



State of California
Respiratory Care Board
444 North 3rd Street, Suite 270
Sacramento, CA 95814
Telephone (916) 323-9983
Fax (916) 323-9999
www.rcb.ca.gov



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Inquiry: I would like to know what to do in this situation according to the laws in California as a Respiratory Therapist: If you are at a place of employment which is not an acute care setting, but a rehab. and health care facility, and you're on duty as a licensed Respiratory Therapist. An employee comes to you with shortness of breath expressing "Please help me. I am having an asthma attack. I take albuterol inhaler at home but I don't have it with me. Please help me I can't breathe." She gets progressively worse, oxygen level drops, breath sounds are decreased, and there is a lack of air movement. The person feels as if she is going to pass out and her gums are tingling. You have the medication "albuterol". Do you place her on oxygen and give her treatment while 911 is called? Do you do nothing to aid her in this emergency and let her drop to the floor due to extreme airway restriction? This is an employee at your place of work and you're on duty as a Respiratory Therapist with no respiratory supervisor on duty. I would like to know the legal thing to do to protect one's license. I would also like to know the Good Faith Samaritan law.

Response: Your clinical question can be better answered by your employer and not the RCB. Please check with them to see what their policy is regarding employees and visitors that have medical problems while on the premises. They should be able to clarify your question.

From a licensure perspective I would refer you to sections 3705 (No Authority to Practice Medicine) and 3706 (Emergency Care Outside Place or Course of Employment). Copies of these sections have been included for your reference:

§ 3705. No Authority to Practice Medicine.

Nothing in this chapter shall be construed as authorizing a respiratory care practitioner to practice medicine, surgery, or any other form of healing, except as authorized by this chapter. (1982 ch. 1344 oper. July 1, 1983)

§ 3706. Emergency Care Outside Place and Course of Employment - No Liability.

A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of employment shall not be liable for any civil damages as the result of acts or omissions by the person in rendering the emergency care.

This section does not grant immunity from civil damages when the person is grossly negligent. (1982 ch. 1344 oper. July 1, 1983, 1991 ch. 654)

Reference # 2003-C-2